

Senate File 2378 - Introduced

SENATE FILE 2378

BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO SF 2091)

A BILL FOR

1 An Act relating to the ability of property owners to protest
2 proposed changes in zoning districts.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 414.4, Code 2026, is amended to read as
2 follows:

3 **414.4 Zoning regulations, district boundaries, amendments.**

4 1. The council of the city shall provide for the manner in
5 which the regulations and restrictions and the boundaries of the
6 districts shall be determined, established, and enforced, and
7 from time to time amended, supplemented, ~~or changed~~, modified,
8 or repealed. However, the regulation, restriction, or boundary
9 shall not become effective until after a public hearing at which
10 parties in interest and citizens shall have an opportunity to be
11 heard. The notice of the time and place of the hearing shall be
12 published as provided in section 362.3.

13 2. Notwithstanding section 414.2, as part of an ordinance
14 changing land from one zoning district to another zoning district
15 or an ordinance approving a site development plan, a council
16 may impose conditions on a property owner that are in addition
17 to existing regulations if the additional conditions have been
18 agreed to in writing by the property owner before the public
19 hearing required under this section or adjournment of the
20 hearing. The conditions must be reasonable and imposed to
21 satisfy public needs that are directly caused by the requested
22 change.

23 Sec. 2. Section 657.9, subsection 1, Code 2026, is amended to
24 read as follows:

25 1. Before a person improves property acquired to establish,
26 use, and maintain a shooting range by the erection of buildings,
27 breastworks, ramparts, or other works or before a person
28 substantially changes the existing use of a shooting range, the
29 person shall obtain approval of the county zoning commission
30 or the city zoning commission, whichever is appropriate. The
31 appropriate commission shall comply with section 335.8 or 414.6.
32 In the event a county ~~or city~~ does not have a zoning commission,
33 the county board of supervisors ~~or the city council~~ shall comply
34 with section 335.6 ~~or 414.5~~ before granting the approval.

35 Sec. 3. REPEAL. Section 414.5, Code 2026, is repealed.

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EXPLANATION

The inclusion of this explanation does not constitute agreement with the explanation's substance by the members of the general assembly.

This bill repeals the ability of property owners to submit a written protest to challenge a proposed change in a zoning district.

Under Code section 414.5, as a part of an ordinance changing land from one zoning district to another zoning district or an ordinance approving a site development plan, a city council may impose conditions on a property owner in addition to existing regulations if the additional conditions have been agreed to in writing by the property owner before the required public hearing or adjournment of the hearing. The conditions must be reasonable and imposed to satisfy public needs that are directly caused by the requested change. If, however, a written protest against a change or repeal is filed with the city clerk and is signed by the owners of 20 percent or more of the area of the lots included in the proposed change or repeal, or by the owners of 20 percent or more of the property that is located within 200 feet of the exterior boundaries of the property for which the change or repeal is proposed, the change or repeal shall not become effective except by the favorable vote of at least three-fourths of all the members of the council. The protest, if filed, must be filed before or at the public hearing. The bill repeals Code section 414.5.

The bill allows a city council to impose conditions on a property owner, as part of an ordinance changing land from one zoning district to another zoning district or an ordinance approving a site development plan, in addition to existing regulations if the additional conditions have been agreed to in writing prior to a required public hearing or adjournment of the hearing. The conditions must be reasonable and imposed to satisfy public needs that are directly caused by the requested change.

Current law requires a person to obtain approval from the city

1 zoning commission before substantially changing the existing use
2 of a shooting range or improving property that was acquired to
3 maintain a shooting range within the city. In the event the
4 city does not have a zoning commission, the city council shall
5 comply with Code section 414.5 before granting approval. Due
6 to the repeal of Code section 414.5, the bill eliminates the
7 requirement that a city council comply with Code section 414.5
8 before approval.

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